



Journal of the Senate

State of Indiana

114th General Assembly

First Regular Session

Fifty-second Meeting Day

Monday Afternoon

April 25, 2005

The Senate convened at 2:03 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Pastor Derek Weber, First United Methodist Church, Anderson, the guest of Senator Timothy Lanane.

The Pledge of Allegiance to the Flag was led by Senator Lanane.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Antich-Carr	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Clark	Mishler
Craycraft	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Server
Harrison	Simpson
Heinold	Sipes
Hershman	Skinner
Howard	Smith
Hume	Steele
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 460: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 432 and that a conference committee be appointed to confer with a like committee of the House.

MILLER

Motion prevailed.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Resolution 37, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 6, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Resolution 26, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 6, Nays 0.

MILLER, Chair

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF ASSIGNMENT OF CONFEREES

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1075:

Conferees: Miller and Simpson

Advisors: Paul and Skinner

GARTON

Date: 4/25/05

Time: 10:05 a.m.

PRESIDENT PRO TEMPORE'S REPORT OF ASSIGNMENT OF CONFEREES

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1153:

Conferees: Zakas and Antich-Carr

Advisors: Bray and Broden

GARTON

Date: 4/25/05

Time: 10:02 a.m.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1097:

Conferees: Ford and Mrvan

Advisors: Kenley and Hume

GARTON
Date: 4/25/05
Time: 10:12 a.m.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1200:

Advisor: Gard

GARTON
Date: 4/21/05
Time: 4:34 p.m.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1431:

Advisor: Gard

GARTON
Date: 4/21/05
Time: 4:35 p.m.

RESOLUTIONS ON FIRST READING

Senate Resolution 33

Senate Resolution 33, introduced by Senators Wyss, Landske, Kruse, Craycraft, and Lanane:

A SENATE RESOLUTION to honor the Civil Air Patrol for its contributions to protecting the citizens of the United States.

Whereas, On December 1, 1941, the United States Air Force Auxiliary Civil Air Patrol (CAP) was founded to serve as a supplemental resource assisting the military in protecting the United States citizens and was comprised of volunteer members from each state, Puerto Rico and the District of Columbia;

Whereas, The capabilities of this new volunteer organization were put to the test almost immediately when Pearl Harbor was

attacked just one week after its inception;

Whereas, In recognition of the success of this program, President Truman established CAP as a federally chartered benevolent Civilian Corporation on July 1, 1946. Then on May 26, 1948, Congress passed Public Law 557 making CAP the auxiliary of the U.S. Air Force and charging it with three primary missions: emergency services, cadet programs and aerospace education;

Whereas, CAP conducts ninety-five percent of all inland search and rescue in the United States, saving an average of one hundred lives per year. CAP also performs aerial reconnaissance for homeland security, provides disaster-relief support and damage assessment, and transports time-sensitive medical materials;

Whereas, Through the CAP cadet program, almost 27,000 young people between the ages of 12 and 21 develop leadership skills participating in a multi-step program which includes aviation and aerospace education;

Whereas, The cadet program provides college scholarships and offers orientation flights in powered and glider aircraft and flight training scholarships. In addition, cadets have the opportunity to participate in activities and competitions ranging from local to national levels and are eligible to participate in an International Air Cadet Exchange program;

Whereas, CAP also provides aerospace education programs for the membership and the community through publication of classroom materials used by teachers from kindergarten through college. CAP also provides support for workshops at colleges nationwide and sponsors the National Conference on Aviation and Space Education (NCASE): Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana General Assembly recognizes the important role the Air Force Auxiliary Civil Air Patrol has held in protecting the safety of the citizens of the United States.

SECTION 2. That the Indiana General Assembly acknowledges and extends its appreciation for the many contributions of the numerous CAP volunteer members through emergency services, aerospace education and cadet programs.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Colonel Charles Greenwood, Indiana Wing Commander of the United States Civil Air Patrol and Lieutenant Colonel Ralph Bruns, Indiana State Legislative Squadron Commander.

The resolution was read in full and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Pursuant to Senate Rule 83(i), your Committee on Rules and Legislative Procedure to which was referred Conference Committee

Reports filed on Engrossed Senate Bills 18, 127, 217, 304, 329, and 363 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

GARTON, Chair

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 75 and 76 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 296.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1075:

Conferees:

Torr, Chair
C. Brown

Advisors:

Ripley, Fry, and Grubb

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1097:

Conferees:

Borror, Chair
Crawford

Advisors:

Hinkle, T. Harris, and Dickinson

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1129:

Conferees:

Torr, Chair

Stilwell

Advisors:

Borror and Cheney

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1153:

Conferees:

Foley, Chair
Kuzman

Advisors:

Thomas and Bardon

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1611:

Conferees:

Noe, Chair
Mahern

Advisor:

Heim

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1666:

Conferees:

Alderman, Chair
Kuzman

Advisors:

Stutzman, Yount, and Pflum

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 549:

Conferees:

Whetstone and Kromkowski

Advisor:

Borders

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 253.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 340.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 62

Senate Concurrent Resolution 62, introduced by Senator Sipes:

A CONCURRENT RESOLUTION congratulating The New Albany High School Acappella Singers of New Albany, Indiana, for their selection to represent the State of Indiana at the 2005 National Festival of the States in Washington, DC.

Whereas, The 2005 National Festival of the States is a prestigious event hosted by Washington, DC and recognized by the District of Columbia, the US Navy Memorial Foundation and the National Park Service with the goal of including at least one choral group from each of the fifty states;

Whereas, The Acappella Singers will perform April 22 through April 25, 2005 for enthusiastic audiences consisting of Washington, DC residents, tourists and veterans groups;

Whereas, The singers in this Washington, DC tour choir are primarily members of the New Albany High School Acappella Singers with a few singers joining the group from the high school's other two ensembles. The Acappella Singers, Ashley Arkels, Amy Baumgartle, Joseph Bohn, Heather Bougher, Gwendolyn Carnighan, Ricky Case, Stephanie Denhard, Jared Eaton, Wes Fair, Lindsey Graeter, Allison Hack, Rachel Henshaw, Marlea Jenkins, Wesley Jenkins, Jeremy Jordan, Andrea King, Sara King, Claire Longest, Kevin Love, Sagan Massey, Frank Matthews, Tiffany Mattingly, Rob Mendlik, Lauren Messer, Jessica Miller, Cassandra Mills, Nicole Mitchell, Lisa Nelson, Brandon Perkins, Ryan Rainey, Mark Raisor, Sam Sher, Tiffany Smith, and Savannah Stephens are led by Linda DeRungs, Choral Director; and

Whereas, The New Albany High School ensembles receive superior ratings at the ISSMA Organizational Contests and the Acappella Singers regularly qualifies for the top 16 ISSMA State Choir Finals. The choral department performs over thirty concerts during the school year and perform annually with the Louisville, Kentucky Orchestra, and have performed with the Louisville Ballet,

Kentucky Opera and the Dallas, Texas Brass. The Acappella Singers represented Indiana in 1994 for the Normandy Liberation and Bicentennial Celebration in Washington, DC: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the General Assembly congratulate the New Albany High School Acappella Singers for their selection to represent the State of Indiana at the 2005 National Festival of the States in Washington, DC.

SECTION 2. That the Secretary of the Senate shall submit a copy of the resolution to The New Albany High School, to each of the Acappella Singers and to the Choral Director, Linda DeRungs.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Cochran.

MOTIONS TO CONCUR
IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 474.

SIMPSON

Roll Call 461: yeas 46, nays 0. Motion prevailed.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 18-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 18 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 3-8-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section does not apply to a candidate for federal office.

(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for at least one (1) year. However, the term does not include a conviction:

(1) for which the person has been pardoned; or

(2) that has been:

(A) reversed;

(B) vacated;

(C) set aside; or

(D) not entered because the trial court did not accept the person's guilty plea.

~~(b)~~ (c) A person is disqualified from ~~holding~~ **assuming** or being a candidate for an elected office if: ~~the person:~~

(1) **the person** gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;

(2) **the person** does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;

(3) ~~has in a:~~

(A) **jury trial, a jury publicly announces a verdict against the person for a felony;**

(B) **bench trial, the court publicly announces a verdict against the person for a felony; or**

(C) **guilty plea hearing, the person pleads guilty or nolo contendere to a felony;**

~~(A) entered a plea of guilty or nolo contendere to; or~~

~~(B) been convicted of;~~

a felony (as defined in IC 35-50-2-1);

(4) **the person** has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;

(5) **the person** is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate; or

(6) **the person** is subject to:

(A) 5 U.S.C. 1502 (the Little Hatch Act); or

(B) 5 U.S.C. 7321-7326 (the Hatch Act);

and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office.

(d) The reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

SECTION 2. IC 5-8-1-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37. (a) As used in this section:

"Felony" means ~~any crime punishable by imprisonment for more than one (1) year in any correctional facility; has the meaning set forth in IC 3-8-1-5.~~

"Public officer" means any person, elected or appointed, who holds any state, county, township, city, or town office.

(b) Any public officer convicted of a felony during ~~his~~ **the officer's** term of office shall:

(1) be removed from office by operation of law when: ~~he is sentenced for the felony;~~

(A) **in a jury trial, a jury publicly announces a verdict against the person for a felony;**

(B) **in a bench trial, the court publicly announces a verdict against the person for a felony; or**

(C) **in a guilty plea hearing, the person pleads guilty or nolo contendere to a felony; and**

(2) not receive any salary or remuneration from the time ~~he is sentenced for the felony; the officer is removed from office under subdivision (1).~~

(c) The reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (b).

~~(c)~~ (d) If the conviction is: ~~reversed, vacated, or set aside;~~

(1) reversed;

(2) vacated;

(3) set aside;

(4) for a felony other than a felony arising out of an action taken in the officer's official capacity, reduced to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5; or

(5) not entered because the trial court did not accept the guilty plea;

and the officer's term has not expired, the officer shall ~~(1)~~ be reinstated in office and ~~(2)~~ receive any salary or other remuneration which ~~he~~ **the officer** would have received had ~~he~~ **the officer** not been removed from office.

~~(d)~~ (e) If the conviction is reversed, vacated, or set aside, and the officer's term has expired, ~~he~~ **the officer** shall receive any salary or other remuneration which ~~he~~ **the officer** would have received had ~~he~~ **the officer** not been removed from office.

~~(e)~~ (f) Every vacancy in a public office caused by the removal of a public officer under this section shall be filled as provided by law. If a convicted public officer is reinstated, the person filling the office during the appeal shall cease to hold the office.

SECTION 3. An emergency is declared for this act.

(Reference is to ESB 18 as reprinted March 15, 2005.)

Lawson, Chair

Foley

Mrvan

Van Haaften

Senate Conferees

House Conferees

Roll Call 462: yeas 46, nays 1. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 217-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 217 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-15-2-17.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.2. (a) Notwithstanding IC 9, the authority may adopt rules:

(1) Establishing weight and size limitations for vehicles using a toll road project, subject to the following:

(A) The operator of any vehicle exceeding any of the maximum allowable dimensions or weights as set out by the authority in rules and regulations shall apply to the authority in writing, for an application for a special hauling permit, which application must be in compliance with all the terms thereof, and which application must be received at least seven (7) days prior to the time of permitted entry should such permit be granted. Such permit, if granted, will be returned to the applicant in duplicate, properly completed and numbered, and the driver of the vehicle shall have a copy to present to the toll attendant on duty at the point of entry.

(B) The authority shall assess a fee for issuing a special hauling permit. In assessing the fee, the authority shall take into consideration the following factors:

- (i) The administrative cost of issuing the permit.
- (ii) The potential damage the vehicle represents to the project.
- (iii) The potential safety hazard the vehicle represents.

(2) Establishing the ~~speed at which a vehicle may be driven on a toll road project, including a~~ minimum speed ~~and that a maximum speed not in excess of the maximum provided in IC 9 for motor vehicle may be driven on~~ the interstate defense network of dual highways.

(3) Designating one-way traffic lanes on a toll road project.

(4) Determining the manner of operation of **motor** vehicles entering and leaving traffic lanes on a toll road project.

(5) Determining the regulation of U-turns, of crossing or entering medians, of stopping, parking, or standing, and of passing **motor** vehicles on a toll road project.

(6) Determining the establishment and enforcement of traffic control signs and signals for **motor** vehicles in traffic lanes, acceleration and deceleration lanes, toll plazas, and interchanges on a toll road project.

(7) Determining the limitation of entry to and exit from a toll road project to designated entrances and exits.

(8) Determining the limitation on use of a toll road project by pedestrians and aircraft and by vehicles of a type specified in such rules and regulations.

(9) Regulating commercial activity on a toll road project, including but not limited to:

- (A) the offering or display of goods or services for sale;
- (B) the posting, distributing, or displaying of signs, advertisements, or other printed or written material; and
- (C) the operation of a mobile or stationary public address system.

(b) A person who violates a rule adopted under this section commits a Class C infraction. However, a violation of a weight limitation established by the authority under this section is:

- (1) a Class B infraction if the total of all excesses of weight under those limitations is more than five thousand (5,000) pounds but not more than ten thousand (10,000) pounds; and
- (2) a Class A infraction if the total of all excesses of weight under those limitations is more than ten thousand (10,000) pounds.

(c) It is a defense to the charge of violating a weight limitation established by the authority under this section that the total of all excesses of weight under those limitations is less than one thousand (1,000) pounds.

(d) The court may suspend the registration of a vehicle that violated a size or weight limitation established by the authority under this section for a period of not more than ninety (90) days.

(e) Upon the conviction of a person for a violation of a weight or size limitation established by the authority under this section, the court may recommend suspension of ~~his~~ **the person's** current chauffeur's license only if the violation was committed knowingly.

SECTION 2. IC 9-21-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. Except when a special hazard exists that requires lower speed for compliance with section 1 of this chapter, the slower speed limit specified in this

section or established as authorized by section 3 of this chapter is the maximum lawful speed. A person may not drive a vehicle on a highway at a speed in excess of the following maximum limits:

- (1) Thirty (30) miles per hour in an urban district.
- (2) Fifty-five (55) miles per hour, except as provided in subdivisions (1), (3), ~~and~~ (4), **(5), (6), and (7).**
- (3) ~~Sixty-five (65)~~ **Seventy (70)** miles per hour on a highway on the national system of interstate and defense highways located outside of an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000), except as provided in subdivision (4).
- (4) ~~Sixty (60)~~ **Sixty-five (65)** miles per hour for a vehicle (other than a bus) having a declared gross weight greater than twenty-six thousand (26,000) pounds on a highway on the national system of interstate and defense highways located outside an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000).

(5) Sixty-five (65) miles per hour on:

(A) U.S. 20 from the intersection of U.S. 20 and County Road 17 in Elkhart County to the intersection of U.S. 20 and U.S. 31 in St. Joseph County;

(B) U.S. 31 from the intersection of U.S. 31 and U.S. 20 in St. Joseph County to the boundary line between Indiana and Michigan; and

(C) a highway classified by the Indiana department of transportation as an INDOT Freeway.

(6) On a highway that is the responsibility of the Indiana transportation finance authority established by IC 8-9.5-8-2:

(A) seventy (70) miles per hour for:

- (i) a motor vehicle having a declared gross weight of not more than twenty-six thousand (26,000) pounds; or**
- (ii) a bus; or**

(B) sixty-five (65) miles per hour for a motor vehicle having a declared gross weight greater than twenty-six thousand (26,000) pounds.

(7) Sixty (60) miles per hour on a highway that:

- (A) is not designated as a part of the national system of interstate and defense highways;**
- (B) has four (4) or more lanes;**
- (C) is divided into two (2) or more roadways by:**
 - (i) an intervening space that is unimproved and not intended for vehicular travel;**
 - (ii) a physical barrier; or**
 - (iii) a dividing section constructed to impede vehicular traffic; and**

(D) is located outside an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000).

~~(5)~~ **(8) Fifteen (15) miles per hour in an alley.**

SECTION 3. IC 9-21-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. The maximum speed limits set forth in section 2 of this chapter may be altered as follows:

- (1) By local jurisdictions under section 6 of this chapter.
- (2) By the Indiana department of transportation under section 12 of this chapter.

~~(3)~~ By the transportation finance authority under ~~IC 8-15-2-17.2.~~

~~(4)~~ (3) For the purposes of speed limits on a highway on the national system of interstate and defense highways, by order of the commissioner of the Indiana department of transportation to conform to any federal regulation concerning state speed limit laws.

~~(5)~~ (4) In worksites, by all jurisdictions under section 11 of this chapter.

SECTION 4. IC 9-26-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The state police department shall tabulate and may analyze all accident reports and shall publish annually or at more frequent intervals statistical information based on the reports as to the number and circumstances of traffic accidents, **including:**

- (1) the total number of accidents;
- (2) the total number of fatalities resulting from traffic accidents;
- (3) the total number of accidents and fatalities involving a person less than nineteen (19) years of age; and
- (4) if possible, whether the accident or fatality occurred on a highway that:
 - (A) is part of the national system of interstate and defense highways;
 - (B) has four (4) or more lanes; or
 - (C) is divided into two (2) or more roadways.

(b) Beginning April 30, 2006, and on April 30 of each year thereafter, if the number of fatalities reported in subsection (a) exceeds the average annual number of fatalities in traffic accidents from the previous five (5) years by at least seven percent (7%), the state police department shall submit the report to the legislative council and to the chairpersons of the committees of the house of representatives and the senate that consider transportation issues. The reports required under this subsection must be in an electronic format under IC 5-14-6.

(c) Beginning April 30, 2006, and on April 30 of each year thereafter, the state police department shall submit a report describing:

- (1) the total number of accidents and fatalities involving a person less than nineteen (19) years of age; and
- (2) if possible, whether the accident or fatality described in subdivision (1) occurred on a highway that:
 - (A) is part of the national system of interstate and defense highways;
 - (B) has four (4) or more lanes; or
 - (C) is divided into two (2) or more roadways;

to the legislative council and to the chairpersons of the committees of the house of representatives and the senate that consider transportation issues. The reports required under this subsection must be in an electronic format under IC 5-14-6.

(Reference is to ESB 217 as reprinted April 5, 2005.)

Server, Chair	Wolkins
Lutz	Austin
Senate Conferees	House Conferees

Roll Call 463: yeas 29, nays 18. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 304-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 304 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-12-19.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 19.7. Tuition Exemption for Children and Spouses of National Guard Members

Sec. 1. As used in this chapter, "state educational institution" has the meaning set forth in IC 20-12-0.5-1.

Sec. 2. (a) An individual:

- (1) whose father, mother, or spouse:
 - (A) was a member of the Indiana National Guard; and
 - (B) suffered a service connected death while serving on state active duty (as described in IC 10-16-7-7);
- (2) who is eligible to pay the resident tuition rate (as determined by the institution) at the state educational institution in which the individual is enrolled or will enroll; and
- (3) who possesses the requisite academic qualifications;

is exempt from the payment of tuition and mandatory fees for instruction at the state educational institution in which the individual is enrolled or will enroll.

(b) An individual may receive the tuition exemption described in subsection (a) for all semester credit hours in which the individual enrolls up to a maximum of one hundred twenty-four (124) semester credit hours.

(c) An individual qualifying for or receiving the tuition exemption described in subsection (a) is entitled to enter, remain, and receive instruction at a state educational institution under the same conditions, qualifications, and regulations that apply to:

- (1) applicants for admission to; or
- (2) students enrolled in;

the state educational institution who do not qualify for or receive the tuition exemption.

(d) For purposes of this section, the commission for higher education established by IC 20-12-0.5-2 shall define the mandatory fees in consultation with the state student assistance commission established by IC 20-12-21-4.

Sec. 3. If an individual who:

- (1) qualifies for or is receiving the tuition exemption under section 2 of this chapter; and
- (2) receives other financial assistance specifically designated for tuition and mandatory fees at the state educational institution in which the individual is enrolled or will enroll;

the state educational institution shall deduct the amount of the

financial assistance specifically designated for tuition and mandatory fees from the amount of the tuition exemption under section 2 of this chapter.

Sec. 4. If an individual who:

- (1) qualifies for or is receiving the tuition exemption under section 2 of this chapter; and
- (2) earns or is awarded a cash scholarship from any source that is paid or payable to the state education institution in which the individual is enrolled or will enroll;

the state educational institution shall credit the amount of the cash scholarship to the individual for the payment of incidental expenses incurred by the individual in attending the state educational institution, with the balance, if any, of the award, if the terms of the scholarship permit, paid to the individual.

Sec. 5. (a) The determination as to whether an individual is eligible for the tuition exemption authorized by this chapter is vested exclusively with the military department established by IC 10-16-2-1.

(b) An applicant for the tuition exemption shall make a written request to the adjutant general for a determination of the individual's eligibility.

(c) In response to each request described in subsection (b), the adjutant general shall make a written determination of the applicant's eligibility.

(d) An applicant may appeal an adverse determination in writing to the military department not more than fifteen (15) business days after the date the applicant receives the determination under subsection (c).

(e) The military department shall issue a final order not more than fifteen (15) business days after the department receives a written appeal under subsection (d).

Sec. 6. A person who knowingly or intentionally:

- (1) submits a false or misleading application or another document; or
- (2) makes a false or misleading statement;

to obtain a benefit under this chapter commits a Class A misdemeanor.

SECTION 2. IC 20-12-21-5.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) In addition to the duties described in section 5(a) of this chapter, the commission shall do the following:

- (1) Prepare and supervise the issuance of public information concerning all of the commission's programs.
- (2) Prescribe the form and regulate the submission of applications for all of the commission's programs.
- (3) Determine the amounts of grants and scholarships.
- (4) Determine eligibility for grants and scholarships.
- (5) Receive federal funds made available to the commission for awards, grants, and scholarships, and disburse these funds in the manner prescribed by federal law.

(b) In addition to the powers described in section 5(b) of this chapter, the commission may do the following:

- (1) Accept gifts, grants, devises, or bequests for the purpose of providing grants, awards, scholarships, loans, or other forms of financial aid to students attending approved institutions of higher learning.

(2) Enter into contracts, subject to IC 4-13-2, that the commission determines are necessary to carry out the commission's functions.

(3) Provide administrative or technical assistance to other governmental or nongovernmental entities if the provision of this assistance will increase the number and value of grants, awards, scholarships, or loans available to students attending approved institutions of higher learning.

(c) When the commission receives an offer of a gift, grant, devise, or bequest under subsection (b)(1), the commission may accept stipulations on the use of the donated funds. In this case, sections 7(d) and 17 of this chapter do not apply. Before accepting a gift, grant, devise, or bequest, the commission shall determine that the purposes for which a donor proposes to provide funds are:

- (1) lawful;
- (2) in the state's best interests; and
- (3) generally consistent with the commission's programs and purposes.

Whenever the commission agrees to stipulations on the use of donated funds under this subsection, the commission and the donor shall, subject to approval by the state budget agency and the governor or the governor's designee, execute an agreement.

(d) Whenever the commission agrees to provide administrative or technical assistance under subsection (b)(3), the commission and the party to whom the assistance is to be provided shall execute an agreement specifying:

- (1) the assistance that is to be provided; and
- (2) the charges, if any, that are to be assessed by the commission for providing this assistance.

The commission may waive charges for administrative or technical assistance under this subsection if the commission determines that a waiver is in the best interest of the state. Agreements to provide assistance under this subsection must be approved by the budget agency and the governor or the governor's designee.

(e) The commission shall exercise its functions without regard to an applicant's race, creed, sex, color, national origin, or ancestry.

(f) This subsection applies to a person called to active duty after September 11, 2001. As used in this subsection, "active duty" means full-time service in:

- (1) the National Guard (as defined in IC 10-16-1-13); or
- (2) any reserve component of the:
 - (A) Indiana national guard; or
 - (B) armed forces;

that exceeds thirty (30) consecutive days in a calendar year. When determining financial eligibility under subsection (a)(4) for a Frank O'Bannon grant, which includes grants formerly designated as the higher education award and the freedom of choice award, the commission may exclude any salary for service on active duty.

SECTION 3. [EFFECTIVE JULY 1, 2005] IC 20-12-19.7, as added by this act, applies to all individuals whose father, mother, or spouse:

- (1) was a member of the Indiana National Guard; and
- (2) suffered a service connected death while serving on state active duty (as described in IC 10-16-7-7);

whether the father's, mother's, or spouse's service connected death occurred before, on, or after July 1, 2005.

SECTION 4. **An emergency is declared for this act.**
(Reference is to ESB 304 as reprinted March 25, 2005.)

Wyss, Chair	Alderman
Craycraft	Reske
Senate Conferees	House Conferees

Roll Call 464: yeas 46, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 329-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 329 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-9-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2004 (RETROACTIVE)]: Sec. 1. (a) This chapter applies to a county having a population of more than forty-seven thousand (47,000) but less than fifty thousand (50,000).

(b) The county described in subsection (a) is unique because:

(1) governmental entities and nonprofit organizations in the county have successfully undertaken cooperative efforts to promote tourism and economic development; and

(2) several unique tourist attractions are located in the county, including:

- (A) the Indiana basketball hall of fame;**
- (B) the Wilbur Wright birthplace memorial; and**
- (C) a historic gymnasium.**

(c) The presence of these unique attractions in the county has:

- (1) increased the number of visitors to the county;**
- (2) generated increased sales at restaurants and other retail establishments selling food in the county; and**
- (3) placed increased demands on all local governments for services needed to support tourism and economic development in the county.**

(d) The use of food and beverage tax revenues arising in part from the presence of the attractions identified in subsection (b)(2) to support tourism and economic development in the county permits governmental units in the county to diversify the revenue sources for which local government improvements and services are funded.

SECTION 2. IC 6-9-25-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2004 (RETROACTIVE)]: Sec. 9.5. (a) This section applies to revenues from the county food and beverage tax received by the county after June 30, 1994.

(b) Money in the fund established under section 8 of this chapter shall be used by the county for the financing, construction, renovation, improvement, equipping, ~~operation~~, or maintenance of the following capital ~~expenditures~~: **improvements:**

- (1) Sanitary sewers or wastewater treatment facilities that serve economic development purposes.
- (2) Drainage or flood control facilities that serve economic development purposes.
- (3) Road improvements used on an access road for an industrial park that serve economic development purposes.
- (4) A covered horse show arena.
- (5) A historic birthplace memorial.
- (6) A historic gymnasium and community center in a town in the county with a population greater than two thousand (2,000) but less than two thousand four hundred (2,400).
- (7) Main street renovation and picnic and park areas in a town in the county with a population greater than two thousand (2,000) but less than two thousand four hundred (2,400).
- (8) A community park and cultural center.
- (9) Projects for which the county decides after July 1, 1994, to:

(A) expend money in the fund established under section 8 of this chapter; or

(B) issue bonds or other obligations or enter into leases under section 11.5 of this chapter;

after the projects described in subdivisions (1) through (8) have been funded.

- (10) An ambulance.

Money in the fund may not be used for the operating costs of any of the permissible projects listed in this section. In addition, the county may not ~~initiate a project~~ **issue bonds or enter into leases or other obligations** under this chapter after December 31, ~~2004~~ **2015**.

(c) The county capital improvements committee is established to make recommendations to the county fiscal body concerning the use of money in the fund established under section 8 of this chapter. The capital improvements committee consists of the following members:

- (1) One (1) resident of the county representing each of the three (3) commissioner districts, appointed by the county executive. Not more than two (2) of the members appointed under this subdivision may be from the same political party.
- (2) Two (2) residents of the county, appointed by the county fiscal body. The two (2) appointees may not be from the same political party. One (1) appointee under this subdivision must be a resident of a town in the county with a population greater than two thousand (2,000) but less than two thousand four hundred (2,400). One (1) appointee under this subdivision must be a resident of a town in the county with a population greater than two thousand four hundred (2,400).
- (3) Two (2) residents of the largest city in the county, appointed by the municipal executive. The two (2) appointees under this subdivision may not be from the same political party. One (1) appointee must be interested in economic development.
- (4) Two (2) residents of the largest city in the county, appointed by the municipal fiscal body. The two (2) appointees under this subdivision may not be from the same political party. One (1) appointee must be interested in tourism.

(d) Except as provided in subsection (e), the term of a member appointed to the capital improvements committee under subsection (c) is four (4) years.

(e) The initial terms of office for the members appointed to the county capital improvements committee under subsection (c) are as follows:

- (1) Of the members appointed under subsection (c)(1), one (1) member shall be appointed for a term of two (2) years, one (1) member shall be appointed for three (3) years, and one (1) member shall be appointed for four (4) years.
- (2) Of the members appointed under subsection (c)(2), one (1) member shall be appointed for two (2) years and one (1) member shall be appointed for three (3) years.
- (3) Of the members appointed under subsection (c)(3), one (1) member shall be appointed for two (2) years and one (1) member shall be appointed for three (3) years.
- (4) Of the members appointed under subsection (c)(4), one (1) member shall be appointed for three (3) years and one (1) member shall be appointed for four (4) years.

(f) At the expiration of a term under subsection (e), the member whose term expired ~~shall~~ **may** be reappointed to the county capital improvements committee to fill the vacancy caused by the expiration.

(g) The capital improvements committee is abolished on January 1, ~~2005~~ **2016**.

SECTION 3. IC 6-9-25-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2004 (RETROACTIVE)]: Sec. 10.5. (a) The county food and beverage tax council is established in the county. The membership of the county food and beverage tax council consists of the fiscal body of the county and the fiscal body of each municipality that lies either partly or entirely within the county.

(b) The county food and beverage tax council has a total of one hundred (100) votes. Every member of the county food and beverage tax council is allocated a percentage of the total one hundred (100) votes that may be cast. The percentage that a municipality in the county is allocated for a year equals the same percentage that the population of the municipality bears to the population of the county. The percentage that the county is allocated for a year equals the same percentage that the population of all areas of the county not located in a municipality bears to the population of the county. In the case of a municipality that lies partly within the county, the allocation shall be based on the population of that portion of the municipality that lies within the county.

(c) Before January 2 of each year, the county auditor shall certify to each member of the food and beverage tax council the number of votes, rounded to the nearest one-hundredth (0.01), the member has for that year.

(d) The food and beverage tax imposed under this chapter remains in effect until the county food and beverage tax council adopts an ordinance to rescind the tax.

(e) An ordinance to rescind the food and beverage tax takes effect December 31 of the year in which the ordinance is adopted.

(f) The county food and beverage tax council may not rescind the food and beverage tax if there are bonds outstanding or leases or other obligations payable under this chapter.

(g) The county food and beverage tax council is abolished on January 1, ~~2005~~ **2016**.

SECTION 4. IC 6-9-25-11.5 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE DECEMBER 31, 2004 (RETROACTIVE)]: Sec. 11.5. (a) Until January 1, ~~2005~~ **2016**, the county may:

- (1) use money in the fund established under section 8 of this chapter to pay all or part of the costs associated with the facilities described in section 9.5 of this chapter;**
- (2) issue bonds, enter into leases, or incur other obligations to** ~~(1)~~ **pay any costs associated with the facilities described in section 9.5 of this chapter;**
- ~~(2)~~ **(3) reimburse the county or any nonprofit corporation for any money advanced to pay those costs; or**
- ~~(3)~~ **(4) refund bonds issued or other obligations incurred under this chapter.**

(b) Bonds or other obligations issued under this section:

- (1) are payable ~~solely~~ from money provided in this chapter, **any other revenues available to the county, or any combination of these sources, in accordance with a pledge made under IC 5-1-14-4;**
- (2) must be issued in the manner prescribed by IC 36-2-6-18 through IC 36-2-6-20; ~~and~~
- (3) may, in the discretion of the county, be sold at a negotiated sale at a price to be determined by the county or in accordance with IC 5-1-11 and IC 5-3-1; ~~and~~
- (4) may be issued for a term not to exceed twenty (20) years, such term to include any refunding bonds issued to refund bonds originally issued under this section.**

(c) Leases entered into under this section:

- (1) may be for a term not to exceed fifty (50) years;
- (2) may provide for payments from revenues under this chapter, any other revenues available to the county, or any combination of these sources;
- (3) may provide that payments by the county to the lessor are required only to the extent and only for the time that the lessor is able to provide the leased facilities in accordance with the lease;
- (4) must be based upon the value of the facilities leased; and
- (5) may not create a debt of the county for purposes of the Constitution of the State of Indiana.

(d) A lease may be entered into by the county executive only after a public hearing at which all interested parties are provided the opportunity to be heard. After the public hearing, the executive may approve the execution of the lease on behalf of the county only if the executive finds that the service to be provided throughout the life of the lease will serve the public purpose of the county and is in the best interests of its residents. A lease approved by the executive must also be approved by an ordinance of the county fiscal body.

(e) Upon execution of a lease under this section, and after approval of the lease by the county fiscal body, the county executive shall publish notice of the execution of the lease and the approval of the lease in accordance with IC 5-3-1.

(f) An action to contest the validity of bonds issued or leases entered into under this section must be brought within thirty (30) days after the adoption of a bond ordinance or notice of the execution and approval of the lease, as the case may be.

SECTION 5. **An emergency is declared for this act.**

(Reference is to ESB 329 as printed March 25, 2005.)

Gard, Chair	Saunders
Craycraft	Pflum
Senate Conferees	House Conferees

Roll Call 465: yeas 46, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 363-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 363 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 33-38-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The ~~total~~ annual salary of each full-time judge of a circuit, superior, municipal, county, or probate court is ~~(1) ninety one hundred ten thousand five hundred dollars (\$90,000);~~ **(\$110,500), as adjusted after June 30, 2006, under section 8.1 of this chapter,** paid by the state. **In addition, a judge under this section may receive and** ~~(2)~~ any additional salary provided by the county under IC 36-2-5-14 or IC 36-3-6-3(c). The state shall deposit quarterly the money received from the counties under subsection (c) for additional salary in the state general fund.

(b) Before November 2 of each year, the county auditor of each county shall certify to the division of state court administration the amounts, if any, to be provided by the county during the ensuing calendar year for judges' salaries under IC 36-2-5-14 or IC 36-3-6-3(c).

(c) When making each payment under subsection (a), the county shall determine for each judge whether the total of:

- (1) the payment made on behalf of that judge;
 - (2) previous payments made on behalf of that judge in the same calendar year; and
 - (3) the state share of the judge's salary under subsection (a);
- exceeds the Social Security wage base established by the federal government for that year. If the total does not exceed the Social Security wage base, the payment on behalf of that judge must also be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes. If the total exceeds the Social Security wage base, the part of the payment on behalf of the judge that is below the Social Security wage base must be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes, and the part of the payment on behalf of the judge that exceeds the Social Security wage base must be accompanied by an amount equal to the employer's share of Medicare taxes. Payments made under this subsection shall be deposited in the state general fund under subsection (a).

(d) For purposes of determining the amount of life insurance premiums to be paid by a judge who participates in a life insurance program that:

- (1) is established by the state;
- (2) applies to a judge who is covered by this section; and

(3) bases the amount of premiums to be paid by the judge on the amount of the judge's salary;

the judge's salary does not include any amounts paid to the state by a county under subsection (a).

SECTION 2. IC 33-38-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The ~~total~~ annual salary for each justice of the supreme court is one hundred ~~fifteen~~ **thirty-three thousand six hundred dollars (\$115,000); (\$133,600), as adjusted after June 30, 2006, under section 8.1 of this chapter.**

(b) The ~~total~~ annual salary for each judge of the court of appeals is one hundred ~~ten~~ **twenty-nine thousand eight hundred dollars (\$110,000); (\$129,800), as adjusted after June 30, 2006, under section 8.1 of this chapter.**

(c) The state shall pay the annual salaries prescribed in subsections (a) through (b) from the state general fund.

(d) In addition to salary, the state shall pay to a justice or judge, in equal monthly payments on the first day of each month from money in the state general fund not otherwise appropriated, the following annual subsistence allowances to assist in defraying expenses relating to or resulting from the discharge of the justice's or judge's official duties:

- (1) Five thousand five hundred dollars (\$5,500) to the chief justice of the supreme court.
- (2) Five thousand five hundred dollars (\$5,500) to the chief judge of the court of appeals.
- (3) Three thousand dollars (\$3,000) to each justice of the supreme court who is not the chief justice.
- (4) Three thousand dollars (\$3,000) to each judge of the court of appeals who is not the chief judge.

A justice or judge is not required to make an accounting for an allowance received under this subsection.

(e) The state may not furnish automobiles for the use of justices or judges compensated under this section.

SECTION 3. IC 33-38-5-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 8.1. (a) Beginning July 1, 2006, the part of the total salary of an official:**

- (1) paid by the state; and**
- (2) set under section 6 or 8 of this chapter;**

is increased in each state fiscal year in which the general assembly does not amend the section of law under which the salary is determined to provide a salary increase for the state fiscal year.

(b) The percentage by which salaries are increased in a state fiscal year under this section is equal to the statewide average percentage, as determined by the budget director, by which the salaries of state employees in the executive branch who are in the same or a similar salary bracket exceed, for the state fiscal year, the salaries of executive branch state employees in the same or a similar salary bracket that were in effect on July 1 of the immediately preceding state fiscal year.

(c) The amount of a salary increase under this section is equal to the amount determined by applying the percentage increase for the particular state fiscal year to the salary payable by the state, as previously adjusted under this section, that is in effect on June 30 of the immediately preceding state fiscal year.

(d) An official is not entitled to receive a salary increase under this section in a state fiscal year in which state employees described in subsection (b) do not receive a statewide average salary increase.

(e) If a salary increase is required under this section, the budget director shall augment judicial appropriations, including the line items for personal services for the supreme court, local judges' salaries, and county prosecutors' salaries, in the state biennial budget in an amount sufficient to pay for the salary increase from the sources of funds determined by the budget director.

SECTION 4. [EFFECTIVE JULY 1, 2005] IC 33-38-5-6 and IC 33-38-5-8, both as amended by this act, apply only to increase the part of an annual salary payable after June 30, 2005.

(Reference is to ESB 363 as reprinted March 30, 2005.)

Clark, Chair	Foley
Broden	Kuzman
Senate Conferees	House Conferees

Roll Call 466: yeas 42, nays 4. Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 432:

Conferees: Miller, Chair and Skinner

Advisors: Mishler and Sipes

GARTON
Date: 4/25/05
Time: 2:16 p.m.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 397:

Advisors: Bray and Antich-Carr

GARTON
Date: 4/25/05
Time: 2:12 p.m.

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On April 22, 2005, I signed the following enrolled acts into law: SEA 149, 14, 63, 75, 195, 301, 352, 95, and 230.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On April 21,

2005, I signed the following enrolled acts into law: SEA 165, 525, 164, 117, 620, and 32.

MITCHELL E. DANIELS, JR.
Governor

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 15

Senate Concurrent Resolution 15, introduced by Senator Miller:

A CONCURRENT RESOLUTION honoring Roncalli High School, Indianapolis, Indiana, on the occasion of its victory in the Class 4A state football championship.

Whereas, The Roncalli High School Rebels are the 2004 Class 4A state football champions for the third consecutive year;

Whereas, This victory marks an 18th straight postseason win and a record eighth championship for the Rebels, breaking a three-way tie among Roncalli, Ben Davis, and Bishop Chatard for the most state titles in Indiana high school football history;

Whereas, Coach Bruce Scifres earned his sixth state championship, moving him into a tie for second place on the list of coaches with the most championship titles;

Whereas, Roncalli (13-2) scored 35 unanswered points in the second and third quarters on its way to a 35-10 triumph over Wawasee at the RCA Dome in Indianapolis;

Whereas, The Rebels also tied several Class 4A records, including most passing touchdowns by a team, 3; most touchdown receptions, 3; most touchdown passes, 3, Andrew Hasty; and most point after touchdown kicks, 5, Tim Curren; and

Whereas, Excellence at this level requires teamwork and cooperation, and it is fitting that effort such as this be recognized: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the Roncalli High School Rebels on their third consecutive Class 4A state football championship and to wish them well in their future endeavors.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to team members, coaches, managers, and members of the Roncalli High School administration.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Murphy and Buell.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, April 26, 2005.

GARTON

Motion prevailed.

The Senate adjourned at 2:55 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate